

Index No.: _____/19

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS-----X
JOHN DOE,*Plaintiff,*

-against -

DIOCESE OF BROOKLYN and ST. ANASTASIA
ROMAN CATHOLIC CHURCH,*Defendants.*
-----X

To the above-named defendants:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your answer or, if the Complaint is not served with this Summons, to serve a notice of appearance, on the Plaintiff's attorneys within 20 days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York), and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT, KINGS COUNTY ON 10/29/19 IN COMPLIANCE WITH CPLR §§305(a) AND 306(a).

Dated: New York, New York
October 29, 2019

MERSON LAW, PLLC

By: _____



Jordan K. Merson
Attorneys for Plaintiff
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

Defendants' Addresses:

DIOCESE OF BROOKLYN

310 Prospect Park West
Brooklyn, New York 11215

**ST. ANASTASIA ROMAN
CATHOLIC CHURCH**

45-14 245TH Street
Douglaston, NY 11362

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS-----X
JOHN DOE,*Plaintiff,*

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-against -DIOCESE OF BROOKLYN and ST. ANASTASIA
ROMAN CATHOLIC CHURCH,**VERIFIED
COMPLAINT***Defendants.*
-----X

Plaintiff¹, above-named, complaining of the defendants by MERSON LAW, PLLC,
respectfully alleges:

NATURE OF THE CLAIM

1. This is a case of sexual predator, Father Joseph Byrns ("Byrns" or "Defendant"), being permitted to sexually abuse young children at church by the Diocese of Brooklyn ("Diocese"), including plaintiff.
2. Byrns was ordained for the Diocese in 1969 and was in active ministry until he was removed from ministry in 2004 and later dismissed from the clerical state.
3. This action was communicated via ecclesiastical decree issued by the Congregation for the Doctrine of Faith, which is the Vatican office authorized to handle cases involving the sexual abuse of minors.
4. Upon information and belief, during his employment with the Diocese, Byrns had a history of manipulating and sexually abusing minors.

¹ Plaintiff uses a pseudonym because he is a victim of a sex crime pursuant to N.Y. Civ. Rights § 50-b and other statutory and common law principles.

5. Despite Byrns' reputation as a sexual abuser of young children, he continued to be employed by and/or under the supervision and control of the Diocese, and was even defended by the Diocese amidst allegations of Bryns' misconduct.
6. Indeed, Byrns remained in service at St. Anastasia from 1969 until 1983 and remained in service of the Diocese until he was removed from ministry in 2004, and later laicized in 2013.
7. In 1997, Bryns was publicly accused of sexual abuse by Father Timothy J. Lambert of the Diocese of Metuchen, New Jersey, who claimed that Bryns had sexually assaulted him and his brother over the course of three years when they were altar boys thirty years prior. Upon information and belief, the Diocese did not actively investigate the allegations Lambert's mother complained of in 19__ about Father Byrns sexually abusing her son.
8. In 2002, Byrns was, again, accused of sexually abusing an eleven-year-old boy altar boy at St. Rose of Lima Church in Kensington, Brooklyn.
9. Byrns was charged with two felonies and twenty misdemeanor counts of sexual abuse.
10. Father Byrns was suspended by the Diocese in July 2002 and removed as a church pastor.
11. Byrns now appears on every compiled list of abusive priests and, upon information and belief, the Diocese has already paid out other victims of Byrns as a result of other claims of his abuse of minor children while he was at St. Anastasia and St. Rose of Lima Church.
12. As such, upon information and belief, the Diocese knew or should have known that Bryns sexually abused children and/or had the propensity to sexually abuse children.
13. Byrns' abuse of Plaintiff ("Plaintiff", or "Mr. Doe") occurred in or about 1978 when Mr.

Doe was approximately twelve years old.

14. Specifically, in approximately 1978, when Plaintiff was attending St. Anastasia, he came to know Byrns. Byrns presented himself to Plaintiff and those in the church as a man of g-d, allowing Plaintiff to feel comfortable around him.
15. Mr. Doe vividly recalls the day he was assaulted by Defendant. Mr. Doe was playing basketball late one afternoon in the St. Anastasia schoolyard. As the other children began to go home, Defendant asked Mr. Doe for his assistance in moving an item from his room. At the impressionable age of twelve years old, Mr. Doe thought that he was lucky, even favored, because Byrns asked for his assistance rather than one of the other boys.
16. Once in the room, Plaintiff was given beer by Byrns. Plaintiff recalls that as soon as he finished one beer, he was immediately given another. Because this was the first time that Mr. Doe had ever consumed alcohol, he became intoxicated quickly.
17. Thereafter, Byrns took advantage of Plaintiff's compromised state and raped him violently.
18. Byrns told Plaintiff that this was what all boys did to one another in the church, but that it was to remain their secret. While Mr. Doe pleaded and cried for Byrns to stop, Byrns would not. After Byrns ejaculated on him, Plaintiff was instructed to leave.
19. After the aforementioned assault, Mr. Doe was in excruciating pain and could not sit or use the restroom properly.
20. Mr. Doe was left feeling confused, hurt, and scared. His parents, now deceased, witnessed changes in their son. Mr. Doe became very quiet, introverted, distrusting and fearful of those surrounding him. He had great difficulty falling asleep for many years following the incident.

21. In or about twenty-five years ago, Mr. Doe met with a friend and former schoolmate from St. Anastasia. At that meeting, Mr. Doe's friend asked him if he had ever been sexually abused by Father Joseph Byrns, and before Mr. Doe could even answer, his friend became hysterical, broke down in tears and shared the story of his own trauma and sexual abuse at the hand of Byrns.
22. Mr. Doe has been forced to carry the emotional and physical trauma of his sexual abuse for decades, and unable to confide in friends or family for decades about his childhood trauma, in vain, attempted to forget about the abuse he endured at the hand of Byrns.
23. Byrns has a long and undisputable history of sexual abuse towards minors.
24. Mr. Doe brings forth this suit to recover for the emotional and physical suffering he incurred because of the negligence of the Diocese and St. Anastasia's and to ensure that no other child is forced to suffer the abuse and physical and mental trauma that he felt and continues to feel.

PARTIES

25. At all times herein mentioned, defendant **DIOCESE OF BROOKLYN** was a not-for-profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.
26. At all times herein mentioned, defendant **DIOCESE OF BROOKLYN** was located at 310 Prospect Park West, Brooklyn, New York 11215.
27. At all times herein mentioned, Byrns was operating under the direction and control of defendant **DIOCESE OF BROOKLYN** and its agents, servants and/or employees.
28. At all times herein mentioned, Byrns was an agent, servant and/or employee of defendant **DIOCESE OF BROOKLYN**.

29. At all times herein mentioned, defendant **ST. ANASTASIA ROMAN CATHOLIC CHURCH** was a not-for-profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.
30. At all times herein mentioned, defendant **ST. ANASTASIA ROMAN CATHOLIC CHURCH** was located at 45-14 245th Street, Douglaston, NY 11362.
31. At all times herein mentioned, Byrns was operating under the direction and control of defendant **ST. ANASTASIA ROMAN CATHOLIC CHURCH** and its agents, servants and/or employees.
32. At all times herein mentioned, Byrns was an agent, servant and/or employee of defendant **ST. ANASTASIA ROMAN CATHOLIC CHURCH**.
33. At all times herein mentioned, defendants **DIOCESE OF BROOKLYN and ST. ANASTASIA ROMAN CATHOLIC CHURCH**, were agents, servants, employees and/or alter egos of each other.

FACTS OF THE CASE

34. Defendants **DIOCESE OF BROOKLYN and ST. ANASTASIA ROMAN CATHOLIC CHURCH**'s negligence and recklessness caused Byrns to have access to children, including on Diocese premises, despite its knowledge that Byrns sexually abused children and/or had the propensity to do so and therefore are responsible for the injuries that Plaintiff incurred because but for defendants **DIOCESE OF BROOKLYN and ST. ANASTASIA ROMAN CATHOLIC CHURCH**'s negligence, Plaintiff would not have suffered the mental and physical anguish inflicted by Byrns. Defendants **DIOCESE OF BROOKLYN and ST. ANASTIAS ROMAN CATHOLIC**

CHURCH's gross negligence, reckless, wanton and/or willful conduct warrants punitive liability.

35. Byrns was a reverend at St. Anastasia's in Brooklyn, New York.
36. Byrns manipulated and intoxicated Mr. Doe when he was twelve years old so that he could exploit and rape him.
37. Byrns committed his act of sexual assault in a facility under the control, direction and/or ownership of defendants **DIOCESE OF BROOKLYN and ST. ANASTASIA ROMAN CATHOLIC CHURCH**.
38. Byrns would ask Mr. Doe for a favor in helping him move something, intoxicate him, and ignored Mr. Doe's pleas for Byrns to stop as Byrns raped him.
39. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendants **DIOCESE OF BROOKLYN and ST. ANASTASIA ROMAN CATHOLIC CHURCH**'s negligence in undertaking a duty to keep patrons, including young children like Mr. Doe, of its parishes safe from predators and failing to act in accord with that duty by allowing Byrns, a known predator, to continue his role and position of authority where he would continue to have the opportunity to prey on young children, and the Diocese failed to adequately supervise Byrns who was allowed to live on Diocese premises causing acceptance that what Byrns was doing was approved by the Diocese.
40. Due to defendants' unlawful conduct, Plaintiff has suffered catastrophic and lifelong injuries.

**AS AND FOR A FIRST CAUSE OF ACTION FOR
NEGLIGENCE AS TO DIOCESE OF BROOKLYN**

41. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 40., inclusive, with the same force and effect as if hereinafter set forth at length.
42. At all times mentioned herein, defendant **DIOCESE OF BROOKLYN** owed a duty of care in loco parentis to keep the children of its parishes, including Plaintiff, safe from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell Plaintiff, and they had a duty to supervise Byrns.
43. At all times mentioned herein, defendant **DIOCESE OF BROOKLYN** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
44. As a result of the negligence of defendant **DIOCESE OF BROOKLYN** and/or its agents, servants and/or employees, Plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
45. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
46. By reason of the foregoing, Plaintiff is also entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
47. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
48. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A SECOND CAUSE OF ACTION FOR
NEGLIGENCE AS TO ST. ANASTASIA ROMAN CATHOLIC CHURCH**

49. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 48., inclusive, with the same force and effect as if hereinafter set forth at length.
50. At all times mentioned herein, defendant **ST. ANASTASIA ROMAN CATHOLIC CHURCH** owed a duty of care in loco parentis to keep the children of its parishes, including Plaintiff, safe from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the Plaintiff, and they had a duty to supervise Byrns.
51. At all times mentioned herein, defendant **ST. ANASTASIA ROMAN CATHOLIC CHURCH** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
52. As a result of the negligence of defendant **ST. ANASTASIA ROMAN CATHOLIC CHURCH** and/or its agents, servants and/or employees, Plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
53. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
54. By reason of the foregoing, Plaintiff is also entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.

55. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
56. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A THIRD CAUSE OF ACTION FOR NEGLIGENT
HIRING, RETENTION AND SUPERVISION AS TO DIOCESE OF BROOKLYN**

57. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 56., inclusive, with the same force and effect as if hereinafter set forth at length.
58. Defendant **DIOCESE OF BROOKLYN** had a duty to supervise and prevent known risks of harm to children and students of its parishes, including Plaintiff, by its clergymen.
59. Defendant was negligent in hiring, retaining and supervising their personnel, such as Byrns, who was careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials who should have properly been supervising the priests to ensure the safety of the children of the parishes.
60. Defendant **DIOCESE OF BROOKLYN** knew or should have known Byrns sexually abused and/or had the propensity to sexually abuse children, including plaintiff, and did nothing to stop it.
61. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.

62. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
63. By reason of the foregoing, Plaintiff is also entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
64. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
65. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A FOURTH CAUSE OF ACTION FOR
NEGLIGENT HIRING, RETENTION AND SUPERVISION
AS TO ST. ANASTASIA ROMAN CATHOLIC CHURCH**

66. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 65., inclusive, with the same force and effect as if hereinafter set forth at length.
67. Defendant **ST. ANASTASIA ROMAN CATHOLIC CHURCH** had a duty to supervise and prevent known risks of harm to children and students of its parishes, including Plaintiff, by its clergymen.
68. Defendant **ST. ANATASIA ROMAN CATHOLIC CHURCH** was negligent in hiring, retaining and supervising their personnel, such as Byrns, who was careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials who should have properly been supervising the priests to ensure the safety of the children of the parishes.
69. Defendant **ST. ANASTASIA ROMAN CATHOLIC CHURCH** knew or should have known Byrns sexually abused and/or had the propensity to sexually abuse children, including plaintiff, and did nothing to stop it.

70. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
71. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
72. By reason of the foregoing, Plaintiff is also entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
73. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
74. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE FIFTH CAUSE OF ACTION FOR NEGLIGENT
INFLECTION OF EMOTIONAL DISTRESS AS TO DIOCESE OF BROOKLYN**

75. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 74., inclusive, with the same force and effect as if herein set forth at length.
76. Defendant **DIOCESE OF BROOKLYN** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Byrns, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
77. Defendant **DIOCESE OF BROOKLYN** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.

78. Defendant had the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Byrns.
79. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in Byrns sexually abusing Plaintiff.
80. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
81. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE SIXTH CAUSE OF ACTION FOR
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
AS TO AS TO ST. ANASTASIA ROMAN CATHOLIC CHURCH**

82. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 81., inclusive, with the same force and effect as if herein set forth at length.
83. Defendant **ST. ANASTASIA ROMAN CATHOLIC CHURCH** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Byrns, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
84. Defendant **ST. ANASTASIA ROMAN CATHOLIC CHURCH** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
85. Defendant had the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Byrns.

86. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in Abrams sexually abusing Plaintiff.
87. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
88. This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, Plaintiff demands judgement against defendants in such sum as a jury would find fair, adequate and just.

Dated: New York, New York
October 29, 2019

MERSON LAW, PLLC



By: _____

Jordan K. Merson
Attorney for Plaintiff
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

JOHN DOE,

Plaintiff,

Index No.: /19

-against -

CLIENT VERIFICATION

**DIOCESE OF BROOKLYN and ST. ANASTASIA
ROMAN CATHOLIC CHURCH,**

Defendants.

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.: _____

being duly sworn, deposes and says that:

I am a plaintiff in the within action; I have read the foregoing Complaint and know the contents thereof; the same is true to my own knowledge, except as to the matters therein state to be alleged on information and belief, and as to those matters I believe it to be true.

Dated: New York, New York
October 29, 2019

Sworn to before me this
29th day of October 2019

NOTARY PUBLIC

LEIDEN E APARICIO
Notary Public, State of New York
No. 01AP6371383
Qualified in Queens County
Commission Expires February 26, 2022

Index No.

Year 2019

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CATHOLIC CHURCH,

Defendants.

SUMMONS AND COMPLAINT

Merson Law, PLLC

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To: All Parties
